REMARKS

This is intended as a full and complete response to the Office Action dated July 5, 2006, having a shortened statutory period for response set to expire on October 5, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-42 are pending in the application. Claims 1-42 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 102

Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by *Dean et al.* (6,604,174 (hereinafter, referred to as "*Dean*")). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Dean* does not disclose "each and every element as set forth in the claim." For example, *Dean* does not disclose the monitoring of the cache miss rates of more than one processors in order to allocate cache lines of *more than one private caches to the processors*, as recited in claims 1, 5, 13, 18, 28, 33, and 36.

Rather, *Dean* discloses a "performance based system and method for dynamic allocation of *a unified multiport cache*." *Dean*, Col. 1, lines 8-9. This language clearly discloses the use of a single cache. This is also seen in *Dean*, Col. 3, lines 50-53, which states that "multiple processes, which could be processors, tasks, or threads can
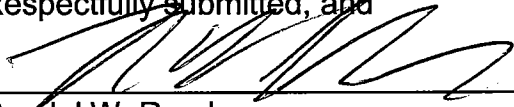
access *the cache*." In fact, *Dean* is entirely silent as to the use of multiple private caches at all, but rather teaches only a single cache. Therefore, *Dean* does not disclose every element of the present invention.

For the above reasons, Applicant respectfully submits that independent claims 1, 5, 13, 18, 28, 33, and 36, as well as their dependents, are allowable. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted, and

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